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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/697,048	10/31/2003	Dieter M. Gruen	S-97957	8384	
31970 7590 04/03/2007 UNITED STATES DEPARTMENT OF ENERGY EXAMINER					
1000 INDEPEN	IDENCE AVENUE, S		FICK, ANTHONY D		
	(CHI), MS 6F-067 N, DC 20585-0162	·	ART UNIT	PAPER NUMBER	
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

1) Responsive to communication(s) filed on 31 October 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-34 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-34 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some on None of: 1 Certified copies of the priority documents have been received in Application No. 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Aktachment(s) 1) Notice of Partsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-05808) 4) Information Disclosure Statement(s) (PTO-05808)		Application No.	Applicant(s)	- · · ·			
Anthony Fick The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Examerous of immune the availation used ret proposed of STR 1.136(s). In no sevent, horseer, may a reply te timely field If NO period for reply is paditical above, the maximum statulation period will apply and will expire SIX (6) MONTHS from the mailing date of his communication. If NO period for reply is paditical above, the maximum statulation period will apply and will expire SIX (6) MONTHS from the mailing date of his communication. If NO period for reply is paditical above, the maximum statulation period will apply and will expire SIX (6) MONTHS from the mailing date of his communication. If NO period for reply is paditical above, the maximum statulation period will apply and will expire SIX (6) MONTHS from the mailing date of his communication. If NO period for reply is paditical above, the maximum statulation period will apply and will expire SIX (6) MONTHS from the mailing date of his communication. Padition of the padition of the statulation period will apply and will expire SIX (6) MONTHS from the mailing date of his communication. Status Status Responsive to communication(s) filed on 31 October 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.34 is/are pending in the application. 4) Of the above claim(s) is/are allowed. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) object	Office Action Summan			М.			
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1 through 26, drawn to a photovoltaic device, classified in class
 136, subclass 258.
 - II. Claims 27 through 34, drawn to a method of making a photovoltaic device, classified in class 438, subclass 97.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the photovoltaic device of group I can be made by a different process than the method of group II. Specifically, the device can be created by liquid phase deposition rather than the vapor phase deposition of group II.
- 3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Fick whose telephone number is (571) 272-6393. The examiner can normally be reached on Monday - Friday 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Fick AU 1753

March 30, 2007

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